



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,720	01/08/2004	Soji Tanioka	0171-1052P	5535
2292	7590	12/09/2005		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER EINSMANN, MARGARET V	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 12/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,720

Applicant(s)

TANIOKA ET AL.

Examiner

Margaret Einsmann

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11/3/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The rejection of claims 1- 5 under 35 U.S.C. 102(b) as being anticipated by Asahi Chem. Ind Co Ltd, JP 60137938 has been overcome by applicant's amendment limiting the degree of substitution of the cellulose with alkyl and/or hydroxyalkyl groups to 0.18 to 0.7 while patentee discloses a range of 0.03 to 0.10.

The rejection of claims 1- 5 under 35 U.S.C. 102(b) as being anticipated by United Merchants and manufacturing, GB 1,041,020 has been overcome by applicant's amendment adding a Markush group of cellulose ethers to claim 1, said group not including hydroxyethylcellulose, which is the only cellulose disclosed by patentee.

Claims 1,3- 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelstein, GB 600,355. Examples 5 and 6 on page 3 lines 68-112 disclose a process of treating a fabric with a cellulose solution, said cellulose being substituted with ethyl, methyl in aqueous alkaline solution, said solution comprising sodium hydroxide in an amount of about 8%, and then salting out and neutralizing. The aqueous alkaline solution is described in Example 4 on page 3 lines 51-61. It contains a concentration of

Art Unit: 1751

methyl cellulose in an amount of 6 wt% and sodium hydroxide (caustic soda) as the alkali in an amount of 8% . Accordingly all of the claims are anticipated. Regarding the limitation of claim 6, the fabric may be washed with sodium carbonate as part of the coagulation process. Page 3 lines 96. Regarding claim 7, the fibers may be rayon or regenerated cellulose which are synthetics. Regarding the limitation of claim 8, patentee uses a padding process which inherently would provide a wet pickup well within the claimed limits.

This rejection is maintained as set forth in the previous rejection, further modified to include the amended claims. See above.

Applicant argues that patentee uses a zincate solution, not an aqueous sodium hydroxide solution. This argument is not persuasive. Note example 4 wherein methyl cellulose is combined with 8% aqueous caustic soda, which is sodium hydroxide. Applicant further states that this reference uses only hydroxyethyl cellulose ether. In that regard Applicant is respectfully requested to consult example 5 on page 5 lines 68-82.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 1751

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays.

12/5/05

A handwritten signature in cursive script that reads "Margaret Einsmann".

Margaret Einsmann

PRIMARY EXAMINER